FRIDAY EVENING.

TOPEKA, KANSAS, JUNE 21, 1907.

FRIDAY EVENING.

TWO CENTS

Coroner's Jury Holds Hackman for Morkinson Murder.

Circumstances Look Bad for the Prisoner.

WEB IS TIGHTENING.

Mrs. Robinson Saw Hack Near Soldier Creek.

Blood Stains Found on His Trousers Legs.

Morkinson, etc., find that the deceased

water the jury made against him with calmness and stolldity. As a matter of fact he did not act nearly as nervous when the verdict was read to him as he did during the hours of the inquest when the verdict was read to him as he did during the hours of the inquest would and got on the hack with him. He wanted to know if he could see the

As soon as the coroner's jury had completed its work J. J. Schenck, the county attorney, began the preparation of a formal complaint charging Van Horn with murder in the first degree. A warrant was issued during the afternoon and formally served on Van Horn. He was then regularly Van Horn. He was then regularly committed to jail on the murder charge and will not be released on ball, even if he could furnish any amount, for the crime charged against

Evidence Is Circumstanial.

There was no direct evidence pre-Horn actually did commit the brutal murder with which he is charged. But there was any quantity of the strongest kind of circumstantial evidence presented to connect him with the crime. In fact many a man has been hanged on evidence not half as strong, circumstantially, as that which was presented to the coroner's tury. And at that Missos Stallas on Trousers.

Wissos Stallas o

where Morkinson's body was found, took the stand and told the jurors of finding the body and the revolver on its breast. There was one empty chamber in it and the other cham-bers contained loaded cartridges. He also told of finding another loaded cartridge on Morkinson's coat which had been placed under the dead man's

Mr. Schenck produced an Iver-Johnson thirty-eight caliber blue steel barreled revolver and Dusenberry identified it as the one that had been found on Morkinson's breast.

Morris Lieberman, a clerk in Jacob-son's pawnshop at No. 500 Kansas was the next witness called. "Do you know Wilburn Van Horn?" asleed Mr. Schenck. "Yes, I've seen him several times,"

answered Lieberman. "Ever do any business with him?"

Yes, he pawned a revolver in the March 21. When did he take it out of pawn?"

"Early on Wednesday morning. about twenty minutes after seven p'clock. It cost him \$1.75 to get it

ut of pawn." What sort of a revolver was it?" 'An lver-Johnson's, thirty-eight cal-

"Is that the revolver?" asked Mr. Schenck, as he handed Lieberman the revolver which Dusenberry had previously identified as having found on Morkinson's breast. Lieberman took the gun, examined it carefully and

then stated very positively:
"That's 'he very gun."
"Did Van Horn buy anything else in
the store that morning?" asked Mr.

replied the witness, "I sold him eight thirty-eight caliber cart-ridges for ten cents. He loaded the re-volver with five of them before he left the store. He put it in his hip pocket." Lieberman then produced the book used in the store in which the records of articles pawned are kept. He pointed to the entry showing the pawning of the revolver on March 21. This entry was signed with Van Horn's name and Lieberman swore that it was the and Lieberman swore that it was the personal signature of Van Horn. He testified that Van Horn had pawned the same revolver there on a previous

During the brief but most important testimony given by Lieberman, Van Horn acted most nervously. He glanced

furtively at the witness, then at the floor, then at various persons in the court room and he continuously twisted his hat, a black felt one, in his hands, topping the twisting occasionally to

Van Horn's Stories About Gun. Josiah Ross, the police sergeant, told on the witness stand about the con-dicting stories Van Horn had told yes-terday afternoon while being questioned in the county jail by the authorities.

According to the sergeant's testimony
Van Horn at first vigorously denied that he ever owned or carried a revolv-er. After he made the denials as strong as he possibly could he was shown the revolver and asked if it was not a fact

that he had taken it out of pawn at Jacobson's early on Wednesday morn-Van Horn weakened at this ques tion and admitted that he had but said that he had taken it out of pawn or his brother to whom it belonged Then he declared that Morkinson had stolen it from him on the trip to North Topeka. First he said that he "We, the jury empaneled to hold an inquest into the death of William was committed. Then he said that he was committed. Then he said he gave it to Morkinson at Johnson's restaurwhere they stopped to get some

ducted by J. J. Schenck, the county attorney. The inquest was held in the district court room in the court house. The men on the jury who returned this verdict were John Howe. Hiram Davis, P. B. Evans, Samuel Steele, James Campbell and R. B. MacMaster. Their deliberation over the verdict did not consume fifteen minutes time.

Van Horn, who was in the court toom when the verdict did not consume fifteen minutes time.

Van Horn, who was in the court toom when the verdict did not commune fifteen minutes time.

Van Horn to Ross on this point was that Morkinson had gone only as far as the Union Pacific station with him.

More Important Testimony.

R. I. Wilkerson of Valencia, a brother of Sheriff Wilkerson, was another important witness. He was standing on Kansas avenue early on Thursday morning when Van Horn drove up to him with a hack.

"He asked me," said Mr. Wilkerson.

"He asked me," said Mr. Wilkerson.

"If I would drive over to the undertaking shop in North Topeka where they had the man who had committed suicide the day before. I told him I

He wanted to know if he could see the body and I told him yes. He said that he might be able to identify him as he knew everybody in town.

"When we reached the undertaking rooms," Mr. Wilkerson continued, "I held the horses while he went in and looked at the body. When he came out I asked him if he knew the man and he replied that he did, that it was his old chum 'The Rabbit.' He said he did not know the man's right name but did not know the man's right name but that Jake Hartman and lots of other people did. We hunted up Hartman and he identified the man as being

Mr. Wilkerson immediately notified the sheriff of Van Horn's proceedings and at the direction of the sheriff he held him in North Topeka until the sheriff arrived and placed him in cus-

Blood Stains on Trousers.

he was killed.

H. A. Dusenberry, a member of the police force who went with Dr. Kelth as her opinion that the hack she saw on the road was the Bectelheimer

Van Horn Called to the Stand. Wilburn Van Horn, the accused, was called to the stand by Mr. Schenck and was first instructed by the county attorney that he did not have to answer any of the questions asked him if he believed that they Horn took advantage of these instructions and did not answer any material questions, being instructed by his torneys, T. D. Humphrey and F.

questions, He said that he had lived in Topeka for twenty-four years and was twenty-eight years old. He had been hackman for eight or me of the questions he declined to

Lynch, that he was not to answer the

answer were: Were you driving a hack on Wednesday morning?"
"Did you know the man called

Rabbit "Did Rabbit ride over on the hack with you to North Topeka?

"Did you ever carry a revolver?"
"Did you ever see that revolver before?" and the weapon with which the crime was committed was shown

When the question was asked Van Horn if he ever carried a revolver he quickly replied no before he received instructions from his lawyers not answer it. His examination occurred before the other testimony had been given proving that he owned the rewith which Morkinson was

Bechtelhelmer's Predicament. During the progress of the inquest Frank Bechtelheimer, the hackman, who employed Van Horn, was placed in a rather peculiar position. Bechteiheimer told of Van Horn being in his employ but for a few days and said that the usual time for him to get the back back to the Stable at 1218. hack back to the stable at 1218 North Monroe street was about 5 or 5:30 in the morning. Bechtelheimer said he left the house about 7 o'clock on Wednesday morning and went to a livery stable and got another rig which he drove around to some rela-tives house. He got a couple of his relatives and then drove to Sheldon's

barber shop on North Kansas avenue, where one of the relatives got shaved. (Continued on Page Eight.)

AOKI WILL STAY. TWO CENT FARE.

Recalling Him.

in the Right Place.

RECEIVED SOME HINTS AN

Quarrel With America

Out Alone.

Washington, June 21.-The formal andemanding from America full rights of to be established. citizenship, of residence and of immi-

gration for Japanese, that might reasonably be expected to be conceded at this time—an opportunist pollcy—at first caused a disagreeable impression in Japan. The successful outcome of the recent war, with the natural inflation of Japanese pride, tended to make the ambassador's pollcy tended to make the ambassador's pollcy. ended to make the ambassador's policy

of doubtful popularity.

It is quite certain that the Saionji ministry was for a time somewhat taken back at the ebuilition of popular indignation evidenced in the publications in the opposition newspapers in Japan and it is even surmised that there was a slight weakening and a disposition to make some concessions. But soon after the agitation had reached its height, the Japanese business in-terests began to feel a very strong essure from abroad conveying a clear warning that a quarrel with American would leave Japan friendless and cer-tainly would discourage the investment of foreign capital in Japanese enter-

Tokio, June 21.—While there is a unanimity of opinion here that Ambassador Aoki is unfitted for his present post at Washington, it is certain that attempts have been made to remove him, he has a very powerful political support and moreover being the senior of Viscount Hayashi, the foreign minister in the diplomatic service, it would be a very delicate matter for the latter to recall him. Unless strong proof can to recall him. Unless strong proof can be furnished that Ambassador Aoki is be furnished that Ambassaud le furnished le furnished le furnished le furnished that Ambassaud le furnished persona non grata at washington it is not likely that Viscount Hayashi will take the initiative in removing him from the position. There are rumors, however, to the effect that the Japanese ambassador is very unpopular not only with the Japanese, but among the Americans generally, and should this serve true his removal might be deemed prove true his removal might be deemed necessary, despite the strong influence supporting him here,

LOOK FOR A FIGHT.

Liquor Dealers Expect Their Busin to Become National Issue.

on of anti-saloon sentiments into the platforms of both great political partles in the next national campaign was predicted at last night's sessions of the National Wholesale Liquor Dealers' Asosciation convention. Call was made the federation of liquor interest i the United States, not only to meet the present sweep of prohibition agitation, but to prepare to check the movement in the presidential conventions of 1908. in the president and the speakers declaring that growth of the crusades against liquor will force the party leaders to recognize the necessity of placing some "platform doctrine" of placing some "platform doctrine" dealing with the subject before the people at the coming election. Organi-zation of a great campaign fund to meet the new conditions and big c tributions to this fund from every conditions and big contor interest were urged.

George F. Diertle, Cincinnati, was lected president and other officers were

HARVEST HANDS WANTED.

Help Badly Needed in the Vicinity of

good prices paid in few years past. Wheat is generally good and harvest will begin in a few days. W. M. will begin in a few days. W. M. Zieber has four hundred acres of very fair wheat and of first class quality.

Japan Changes Her Mind About Railroads Not Satisfied With Evidence of the Prosecution in Mileage Book Plan.

Concludes He Is the Right Man Make Much Extra Work for the Handwriting Expert Is Among

Other Powers Intimated That a State Board Will Take the By a Negro as a Party to Horse Necessary Steps.

the Roads.

An order for the establishment of a

It is said that some of the Kansas money to Steve Adams in Ogden in commissioners have taken the matter up with the railroad officials, in an in-Aoki had realized early the impossibility of securing all of these rights at this time, because of the inability of the national government to dominate state administration. His reports to his own government to that effect with the plain intimation that it was advisable to seek instead of unlimited rights, only those that might reasonably be expected to be conceded at this time—an opportunist policy—at first caused a disagreeable impression in Japan. The successful outcome of the recent war, with the outcome of the recent war, with the outcome of the recent war, with the mileage book plan which was accepted to be conceded at this time—an opportunist policy—at first caused a disagreeable impression in Japan. The successful of the necessary records. It remarks the cause of the defense.

1903. and a ruling by the court deny-ing the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads at the dissenting opinion in the Moyer habeas corpus case in Colorado, clear-strong possibility that the railroads are said to be dissectified with the mileage book pian which w making the necessary records. It requires considerable lime to tear off the right amount of mileage and obtain the signature of the passenger both on the back of the milesge strip and on the special slip previded for the pur-pose. The additional expense of han-

pose. The additional expense of nan-dling traffic under the mileage book plan has had a tendency to convince the raliroads that it would be about as cheap on the whole to make a general 2 cent a mile rate for everyhody. From a political standpoint, it is re-garded as important that the board of pallroad commissioners should or garded as important that the board of inliroad commissioners should order the 2-cent a mile rate put in. There is little doubt that unless the order is made the 2-cent a mile bill will be one of the issuas in the campaign, and that whichever party controls the legislature, a 2-cent fare law will be passed. The railroads realize that they are un against this and are not in-

Habeas Corpus.

orpus. Sixteen showings are made in the pe Sixteen showings are made in the sixteen showing by his attorneys that the mayor is suf-fering from an incurable disease and that imprisonment in a jail will cause It is understood that the disease referred to is an affection of the kidneys and that it has advanced to a serious stage.

SMALL HAD NOT HEARD.

Atlantic City, N. J., June 21.-Injec- President of Frisco Telegraphers Union Was Too Quick.

York, June 21.- Deputy President S. J. Konenkamp of the telegraphers' union, said today that there would be no strike of the telegraphers in San Francisco. He said that when President Small of the union made the statement in San Francisco last night that a strike would be declared today, the unior president had not been informed that a settlement of the difficulties had been reached in this city through the Neffl.

"I did not send the report of the settlement to President Small until mignight last night," said Deputy President Konenkamp today, "and when he had made the statement that there would be a strike in San Fran-cisco, to be followed by a series of strikes in other cities, he had not received my report."

Pawnee Rock, Berton County.

Pawnee Rock, Kan., June 21.—A hundred men could find employment in the vicinity of Pawnee Rock, Barton county, Kansas, in the harvest fields, if they come at once, at the Verdict Is Manslaughter.

Weather Indications. Chicago, June 21.—Forecast for ansas: Generally fair except local Kansas: thunder storms in east portion night or Saturday; warmer.

STATE CLOSES.

Haywood Case All In.

Last Witnesses Called.

ORDER COMING. HAYWOOD IDENTIFIED

Trade in Denver.

Would Leave Her to Fight It This Will Not Be Opposed by Dissenting Opinion in Habeas Corpus Case Ruled Out.

Boise, Idaho, June 21 .- The state concernent by Viscount Hayashi, the flat 2-cent passenger fare in the state this morning made its last tender of Japanese minister for foreign affairs in of Kansas is about to be issued by the evidence against William D. Haywood, met death from gun shot wounds in the right temple and by a blow of the right temple and by a blow of some blunt instrument in the hands of wilburn Van Horn."

This was the verdict reached by the temple and the Bechtelheimer barn and coroner's jury shortly after the noon of the part of the shortly after the noon of the part of the shortly after the noon of the part of the shortly after the noon of the part of the shortly after the noon of the part of the shortly after the noon of the part of the shortly after the noon of the part of the par This was the verdict reached by the coroner's jury shortly after the noon hour today after they had listened for three hours to a great variety of testimony from a great variety of persons who had been called as witnesses for the inquest which was presided over the inquest which was presided over by Dr. Keith, the coroner, and control by Dr. Keith, the coroner is the substitution to the substitution to the substitution to the substitution to t Topeka with him and then had many admitted it. The last story told by Van Horn to Ross on this point was that Morkinson had gone only as far as the Union Pacific station with him.

The last story told by of a "strong" man, by which term it was understood he meant a Japanese committed in advance to the policy of committed in advance to the policy of committed in advance to the policy of committed in advance admitting "H. Green" in San Francisco, was done by the same hand that penned Pettithe was understood he meant a Japanese committed in advance to the policy of committed in advance to the policy of committed in advance admitting the fact that Haywood telegraphed

diate right and she, with the prison-er's sister, were the only members of

been punched out by the file in the bank. This draft was for \$100 and the bank wires that it bears the date of December 21, 1905. It was drawn in favor of J. L. Simpkins of Haywood. The letter produced in court from Pet-The letter produced in court from Pet-tibone to Hogan or Orchard, received by Orchard while in jall at Caldwell, stated that "that" had been sent to "Jack." Orchard hald he had asked

needed to get about while at work in connection with their various under-San Francisco, June 21.—Mayor Schmitz's attorneys have applied to the district court of appeals for the release of the mayor on bail by writ of habeas corpus. tion of the headquarters of the West-ern Federation of Miners. "What happened then?" asked Mr.

down with another man. "Yes, what next?

The Other Man. "The other man got in the buggy and they said they would be back soon and drove off together."
"Do you know this other man"
"Yes sir, I have seen him."

"Would you know him now?"

"Look around and see if you can see him here."
The negro looked over the defense's

side and pointed a finger at Haywood.
"Yes sir, that's the man," he said.
There was a pause and a silence broken only by a stir among the spectators. It was the first direct connection of Haywood with Orchard and a strong corroboration of the Orchard story. 'How much did you get for the out-

"Who paid you?"
"Mr. Orchard." "You just got the money and gave Orchard a bill of sale?" "No sir. The bill of sale was made to Mr. Pettibone."

"\$110."

Mr. Pettibone."

He described the horse as a little black mare and the vehicle as a top buggy. Scahorn was only briefly cross-examined. He said he met Orchard at the penitentiary after coming to Bolse. He said he was summoned by Pinkerton detectives and received his fare and expenses from them in advance. Seahorn proved to be the last witness for the state.

State Closes.

Senator Borah stated that with the exception of proving the sending of a money order for \$75 by the Western Union from Haywood in Denver to Steve Adams in Ogden, Utah, in 1903,

the state's case was closed.

Mr. Richardson, for the defense, said that they would agree that the state could file the telegrams as soon as they were received. Senator Borah said that the telegrams would be in Roise by this evening. Boise by this evening.
"With this exception, then your

honor," said S nator Borah, There was some wrangling over the reading of a long opinion delivered in the Colorado courts, and which the defense said should be read as it had been offered as evidence for the state. Judge Wood looked over the decision and denied the motion that it he read to the jury. This closed the

be read to the jury. This closed the state's case and at 10:25 the court adjourned until 1:30 p. m., when the de-fense will move that the court instruct the jury to render a verdict of not

THERE WAS NO BOMB. Bradley Has Testified Twice to This

Effect. San Francisco, Cal., June 21.—It was announced today that Frederick W. Bradley, a mining engineer of this city, would appear before County Clerk Mul-crevy, a special commissioner appointed by the state of Idaho, to take his tesby the state of Idaho, to take his res-timony in regard to the explosion of a bomb on November 17, 1904, which blew him into the street and which Harry Orchard has testified in the trial now going on at Bolse, that he placed at Bradley's door with the intention of

killing him.
Bradley has already sworn, it claimed, in an affidavit on October 16, of last year, that there had been no bomb in this case, but that he knew and was satisfied, it was an explosion of gas, a statement reiterated under oath on February 6th of this year. Another witness who will testify before the commission in this case is Tracer Cum state bar examination which has been mission in this case is Tracey Cum-mings, who had come out of an adjoin-ing flat shortly before Bradley was blown up and has claimed he saw no bomb, where Orchard says he put the

TRAFFIC COUP.

Vanderbilts Secured a Grip on Chicago's Business.

Lease Outer Belt Line From Junction Railway.

Chicago, June 21 .- The Record-Herald today says:

Final steps are being taken in New York to complete a \$70,500,000 railhis family present.

Judge Wood first delivered a lengthy epinion overruling a demurrer in one of the cases before the regular term of court.

Judge Wood first delivered a lengthy engineered to secure the iion's share of the cases before the regular term of court.

The Complete a \$10,500,000 rail army scandal, in which A was evidently the guilty party. It seems that A tried to clear himself of odium by bringing a libel suit against the newspaper which printed a story about the affair. court.

On being directed to proceed Senator Borah announced that the state had received telegraphic information from the First National bank in Denver, fixing the date on one of the drafts which have been introduced as evidence and upon which the date had evidence and upon which the date had sevidence and upon which the date had sevidence and upon which the date had successfully playing in the interests of the Vanderbilts, is the leasing, with bers of the commission, reported that the vanderbilts, is the leasing, with the vanderbilts, is conduct had been dishonest. D.

line from the Chicago Junction Rail-way company. Supplementing this is the leasing for a term of 99 years of a part of the tracks of the Chicago Terminal Trans-

Panama canal.

Accordingly, when the canal is opened, the New York Central lines will, through the expenditure of at least \$125,000,000 and possibly \$150,000,000. \$125,000,000 and possibly \$150,000.000, have the whip hand over the greatest tonnage producing area in the world.

MEAT WILL BE HIGHER.

Secretary Wilson Says Advance in Price Is Perfectly Natural.

Chicago, June 21 .- A dispatch to the Tribune from Washington, says: In the opinion of Secretary Wilson, the recent increase in the price of meats is entirely natural and even a further advance in prices may be expected. That the cost of meats is greater to-day than ever before is conceded but Secretary Wilson believes that Ameri-can prosperity is at the bottom of the situation. The people are eating meat and the farmers are not raising so many cattle as formerly. There is also an enormous export trade which cuts

a great hole in the supply. TAFT CAUGHT ON FLY.

Festus J. Wade Talks Business to Him in St. Louis.

St. Louis, Mo., June 21 .- Secretary Taft arrived this morning from Kansas City en route to Washington. During his stay of two hours Festus J. Wade was in conference with him relative to the dispute between the Philippins government and the Jesuit Fathers, concerning the ownership of \$8,000,000 worth of property in the Philippines.

Festus J. Wade, who is president of

the Mercantile Trust company, represents Archbishop Harty of Manila, in endeavoring to secure settlement of the dispute. Secretary Taft stated after his conference with Mr. Wade that he would not render a decision until after his return to Washington.

Senator Baker Barely Alive. Leavenworth, Kan., June 21.-The ondition of former United States Senator Lucien Baker took a change for the worse this morning. The attending physician reported the patient as being barely alive.

Embryo Lawyers Make Remarkable Record.

Fifty-Four Successfully Pass the Examination.

THEY ARE SWORN IN.

Solon William Smith of Rooks Fails to Appear.

Some of the Problems the Class Had to Solve.

There are 53 more lawyers in the state of Kansas today than there were yesterday, and there might have been 54. but Solon William Smith, of Rooks state bar examination which has been there are generally several who fall to "make the riffle" at the first trial, and

have to come back and try again. The ceremony of swearing in the class of 53 new lawyers took place be-fore the justices of the Supreme court. It was short and formal, and not at-The great bulk of the examination consisted in a recital of the serious difficulties which seem to dog the footsteps of Mr. A and Mr. B.

Mr. A seems to have been an army officer though the evidence on this roles.

Mr. A seems to have been an army of-ficer, though the evidence on this point is a little conflicting. Mr. B was evi-dently in public life to some extent, but both A and B had a terrible habit of going into rash speculations and partici-pating in deals of a most questionable nature. naturo

The history of A and B begins with an army scandal, in which A was evidently

beit A's conduct had been dishonest. D. Raiipublished the report in his paper heading it "A Dishonest", and editorially exasing pressed regret that A had been found fithe guilty. The commissioners' report was raise and based on evidence not reasonorress.

a neighbor-probably the same neigh-bor-and the law students had to help them out:
"In building the foundation for his

house, A was obliged to blast rock, which demaged the building of his neighbor, who sued him for damages. Assuming that he used al reasonable care, is he liable?" Digging a little deeper into the history of this man A, we find that he also had trouble with his wife. The

examination questions say:

examination questions say:

"A desired to move to California from Kansas, but his wife refused to go. The husband left her and went to California alone. Was his removal an abandonment of the wife?"

The correct answer to this question would be that A exercised poor judgment in going from Kansas to California. However, A seems to have been a good deal of a sucker at other stages in his career. Here is one of the scrapes into which he got because of his ignorinto which he got because of his ignorance

"A purchased a horse of B, who guaranteed it to be sound and perfect in cvery way. A gave a note in payment.
As a matter of fact the horse was unsound, and worthless. B sold and assigned the note to W. W. commenced suit against A, who answered that the consideration had wholly falled, in that

the horse was unsound and worthless. Is this a good defense?"

This simply shows the lengths to

This simply shows the lengths to which A would go to avoid the penalty for his ignorance. He had no business to be buying horses. He might have expected to get swindled.

As a matter of fact, A deserves very little sympathy anyway, for one of the questions clearly shows that he was trying to work a skin game on a crasy man. Only the fact that A was always blundering prevented the accomplishment of this unworthy object. This was the situation:

was the situation "A, knowing B to be of unsound mind, made a contract with him which turned out greatly to B's advantage. A repudiated it, and B's guardian sued for breach of contract. A answered that B was non compos mentis at the time the contract was made. Can the suit be mounted in the contract was made.

maintained? maintained?"
However, the last question in the examination shows that A got about all that was coming to him in the end. A building fell on him. This was the way

it happened:
"While A was passing along a public street, and without any fault on his part, a building fell and severely injured him. He commenced a damage suit against B, the owner, for negli-

(Continued on Page Ten.)